

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

DE ARANJAN INC. dba VALERO GRIP  
& GO, et al.,

Defendants.

No. 1:22-cv-0994 DAD DB

ORDER

On August 10, 2022, plaintiff commenced this action by filing a complaint and paying the applicable filing fee. (ECF No. 1.) On January 15, 2024, plaintiff filed a motion for default judgment. (ECF No. 54.) The motion is noticed for hearing before the undersigned on February 23, 2024, pursuant to Local Rule 302(c)(19). On February 16, 2024, plaintiff's counsel filed a request for remote appearance because plaintiff's counsel is based in San Jose, California. (ECF No. 57 at 1.)

Counsel's request for remote appearance will be denied. Hearings before the undersigned are presumptively in person absent a showing of good cause. Given the distance the court routinely asks jurors to travel, the undersigned cannot find that travel from San Jose for a single hearing constitutes good cause for remote appearance.

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Nonetheless, the February 23, 2024 hearing will be continued, which will allow counsel time to make arrangement for in person argument. In this regard, plaintiff is seeking default judgment against defendant De Aranjah Inc. Attorney Alonzo Gradford has appeared in this action on behalf of defendant De Aranjah Inc. Attorney Gradford, however, has not responded to any filings in this action by plaintiff or repeated orders from this court for some time.

The undersigned will, therefore, ask plaintiff to file a supplemental memorandum addressing their attempts to contact attorney Gradford, the nature of any such contacts, and how plaintiff proposes this action proceed in light of attorney Gradford's conduct.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED that:

1. The February 23, 2024 hearing of plaintiff's motion for default judgment (ECF No. 54) is continued to **April 19, 2024, at 10:00 a.m.** at the United States District Court, 501 I Street, Sacramento, California, in Courtroom No. 27 before the undersigned in person;

2. On or before **March 22, 2024**, plaintiff's counsel shall file a supplemental statement addressing their attempts to contact attorney Gradford, the nature of any such contacts, and how plaintiff proposes to proceed in light of attorney Gradford's conduct; and

3. Plaintiff's February 16, 2024 request for remote appearance (ECF No. 57) is denied.

DATED: February 20, 2024

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> In this regard, given that the defendant obtained legal representation and that representation appears to have abandoned the defendant, the undersigned has serious concerns about the entry of default judgment against a defendant that may have no knowledge of plaintiff's motion.